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UNITED STATES DISTRICT COURT 07 NOV 20 AM 10: 07
SOUTHERN DISTRICT OF CALIFORNIA

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'07 MJ 2707

BY: DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. Arturo Escobar GURROLA Defendant	Magistrate Case Number: COMPLAINT FOR VIOLATION OF 21 U.S.C., Sections 952 and 960 Importation of a Controlled Substance

The undersigned complaint being duly sworn states:

COUNT 1

On November 19, 2007, within the Southern District of California, Arturo Escobar GURROLA did knowingly and intentionally import approximately 10 kilograms of methamphetamine and 1.20 kilograms of cocaine, both Schedule II Controlled Substance(s), into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

L. McDaniel

SIGNATURE OF COMPLAINANT
Special Agent
U.S. Immigration and Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 20th DAY OF NOVEMBER, 2007.

UNITED STATES MAGISTRATE JUDGE

STATEMENT OF FACTS

On November 19, 2007, at approximately 8:52am, Arturo Escobar GURROLA entered the United States from Mexico at the San Ysidro, California Port of Entry (POE). GURROLA was the driver of a dark gray 1985 Toyota Corolla bearing license plate BAMX/BAW1929. GURROLA was the sole occupant in the vehicle.

Customs and Border Protection Officer (CBPO) Castro was conducting pre-primary roving operations at lane #7 when GURROLA applied for entry into the United States. CBPO Castro approached GURROLA as Canine Enforcement Officer (CEO) Hersey with his assigned Narcotic Detector Dog (NDD) "DADA" was screening the vehicle. As the vehicle was being screened by CEO Hersey with NDD "DADA", CBPO Castro received two negative declarations from GURROLA. GURROLA stated he was a United States citizen and presented a United States passport (#403320845). CBPO Castro asked GURROLA where he was going and he stated he was going to work at Dollar Rental Car in San Diego. CBPO Castro asked GURROLA who was the registered owner of the vehicle and GURROLA briefly hesitated and replied "my uncle's". CBPO Castro asked GURROLA for the vehicle registration and GURROLA gave CBPO Castro vehicle registration with the name Jorge RIVERA-Barreto. CBPO Castro believed the vehicle registration to be false/counterfeit.

CEO Hersey signaled to CBPO Castro a positive canine alert on the vehicle. NDD "DADA" had alerted to the undercarriage in the area forward of the rear tires. A brief inspection was conducted which revealed a space discrepancy under the rear seat. CBPO Castro placed GURROLA in handcuffs and escorted him into the Security Office. Afterwards, CBPO Castro went to the vehicle x-ray area and was informed that anomalies were discovered in the driver's side rear well; covered with bondo that was concealing packages. CBPO Castro removed the bondo and discovered sheet metal covering a hidden compartment.

In the secondary lot, CBPO Ronquillo was assigned to conduct a seven-point inspection of the gray 1985 Toyota Corolla, BAMX/BAW1929. CBPO Ronquillo removed the floorboard underneath the rear seat and discovered 19 round shaped packages and 1 square shaped package. CBPO Ronquillo probed one of the round shaped packages and discovered a clear crystalline substance. CBPO Ronquillo conducted a field test on a sample from the round shaped package and it tested positive for the presence of methamphetamine. CBPO Ronquillo probed the square package and discovered a white powdery substance. CBPO Ronquillo conducted a field test on a sample of the white powdery substance and it tested positive for the presence of cocaine. A total of 20 packages of methamphetamine were discovered for an aggregate weight of 10 kilograms. 1 package of cocaine was discovered for an aggregate weight of 1.20 kilograms.

On November 19, 2007, at approximately 11:00am, Immigration and Customs Enforcement (ICE) Special Agent McDaniel, witnessed by Special Agent Lensky, advised GURROLA of his Miranda Rights. GURROLA invoked his constitutional rights per Miranda and stated he did not want to make a statement regarding the narcotic discovered in the vehicle. GURROLA was charged with violation of Title 21 USC 952 and 960, Importation of a Controlled Substance, and booked into MCC, San Diego, California.